

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

TARA L. TUCKER,

Plaintiff,

v.

**Civil Action 2:11-cv-858
Judge Algenon L. Marbley
Magistrate Judge Elizabeth P. Deavers**

**MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,**

Defendant.

ORDER

This matter is before the Court for consideration of the August 17, 2012 Report and Recommendation of the United States Magistrate Judge, to whom this case was referred pursuant to 28 U.S.C. § 636(b). (ECF No. 17). The Magistrate Judge recommended that the Court reverse the Commissioner of Social Security's ("Commissioner") finding of nondisability and remand this case to the administrative law judge ("ALJ") under Sentence four of 42 U.S.C. § 405(g).

The Report and Recommendation specifically advises parties that the failure to object to the Report and Recommendation within fourteen days of the Report results in a "waiver of the right to *de novo* review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court." (Report and Recommendation 19, ECF No. 17.) The time period for filing objections to the Report and Recommendation has expired. The Commissioner has not objected to the Report and Recommendation.

The Court has reviewed the Report and Recommendation of the Magistrate Judge. Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Magistrate Judge's August 17, 2012 Report and Recommendation, **REVERSES** the Commissioner's non-disability finding, and **REMANDS** this case to the Commissioner and ALJ under Sentence Four of § 405(g) for further consideration consistent with the Report and Recommendation.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT COURT

DATED: September 12, 2012